In the Supreme Court of the United States

OCTOBER TERM, 1929

No. 281

UNITED STATES OF AMERICA, APPELLANT

v.

D. D. ADAMS

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF ARKANSAS

STATEMENT OF JURISDICTION

In compliance with Rule 12 of this Court, appellant submits herewith its statement showing the basis of this Court's jurisdiction in the above-entitled cause.

A

STATUTORY PROVISIONS

The statutory jurisdiction of this Court to review by direct appeal the judgment here complained of is found in the Act of March 2, 1907 (c. 2564, 34 Stat. 1246; U. S. C. Title 18, Sec. 682), otherwise known as the Criminal Appeals Act, and Section 238 of the Judicial Code, as amended by the

Act of February 13, 1925 (c. 229, 43 Stat. 936, 938; U. S. C. Title 28, Sec. 345).

B

DATES OF JUDGMENT AND APPLICATION FOR APPEAL

The judgment to be reviewed was entered June 4, 1929. (R. 24–25.)[1] Petition for appeal was filed on July 1, 1929 (R. 29), and allowed the same day (R. 28).

C

NATURE OF THE CASE

The indictment charges appellee with making a false entry in the books of a member bank of the Federal Reserve System purporting to show that a certain deposit of funds had been made in said bank, when no such funds had been deposited. (R. 3–4.) Appellee filed a "plea of former jeopardy and former acquittal" alleging that he had theretofore been tried and acquitted under an indictment charging him with making a false entry purporting to show that a certain sum had been remitted to another bank when in truth no such sum had been remitted. The plea thereupon alleged, in substance, that both entries were based upon a single draft, and, therefore, constituted but one offense; that the evidence in the case tried is that which would be required to convict under the pending indictment.

[1] All references to the record are to the pages of the typewritten record as prepared by the Clerk of the District Court. The record has not yet been printed.

(R. 8–10.) The court sustained the plea and ordered the indictment dismissed upon the ground—

> that there can be but one prosecution for false entries based upon any single draft or check passing through a bank. (R. 24–26.)

D

CASES SUSTAINING JURISDICTION

United States v. *Thompson*, 251 U. S. 407.
United States v. *Oppenheimer*, 242 U. S. 85.
United States v. *Barber*, 219 U. S. 72.
United States v. *Goldman*, 277 U. S. 229.

CHARLES E. HUGHES, Jr.,
Solicitor General.
O. R. LUHRING,
Assistant Attorney General.
HARRY S. RIDGELY,
Attorney.

AUGUST, 1929.

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